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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,184	08/02/2001	Edward O. Clapper	42390P11330	7545

21906 7590 12/26/2002

TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER

TIEU, BINH KIEN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 12/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,184

Applicant(s)

CLAPPER, EDWARD O.

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

The amendment filed and dated on Nov. 19, 2002 has been entered. As the results, claims 1-5 and 11-16 were cancelled as requested, and new claims 17-20 have been entered. All pending claims in this application, at this point, are 1-6 and 17-20.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Pat. #: 6,442,242) in view of Gurbani et al. (U.S. Pat. #: 6,282,275) (both references were cited in the previous Office Action).

Regarding claims 6 and 17, McAllister et al. ("McAllister") teaches a method and apparatus comprising the features of:

- receiving a telephone call;
- encoding the telephone call;
- storing the encoded telephone call; and
- sending an email containing the encoded telephone call (col.8, lines 25-32).

Furthermore, McAllister teaches that the message is sent to the purchasing department indicating (to one of agents) that the message had been received from John Smith by the autoattendent system at 3:28 p.m. and is being forwarded as an attachment to the e-mail, of cause, will be eventually played back by an agent (col.8, lines 34-39). McAllister further teaches the video representation signal that indicates the recorded voice message is shown in figure 4.

It should be noticed that McAllister fails to clearly teach the feature of generating video representation. However, Gurbani teaches a representative display 200 as shown in figure 2. It should be understood the representative display is a video interface that displays caller ID and other related information in the video format or representation such as those disclosed in teachings of figure 4 of McAllister to the called party. Such feature in col.3, line 56 – col.4, line 20 for a purpose of presenting caller ID information to the receipt in ISDN, Internet telephone, a computer or the like.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of generating video representations, as taught by Guibani, into view of McAllister in order to presenting content of audio communications at the receipt's video display device to the called party.

Regarding claims 7-10 and 18-20, as noted from the rejection of claims 6 and 17 above that the McAllister teaches voice mail message is transmitted to the purchase department via the attachment of an email. Gurbani further teaches limitations of the claim in col.3, lines 15-20 and lines 40-43.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In order to expedite the prosecution of the application, the applicant is requested to consider the following reference.

Although the Balk et al. (US. Pat. #: 5,706,334) is not applied into this Office Action, it is also called to Applicants attention. It may be used in future Office Action(s). This reference is also concerned with the "video reference" of audio communications (see figure 2, note col.3, line 65 – col.5, line 19).

Response to Arguments

4. Applicant's arguments filed Nov. 19, 2002 have been fully considered but they are not persuasive.

5. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

6. In response to applicant's argument in his "short" remarks on page 2 that the combination of references fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., video representation...) are not recited in the rejected claim(s).

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Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Applicant fails to clearly claim the video representation to be an icon(s) as disclosed on lines 23-27 on page 6 of the specification. Therefore, the video representation signal such as one disclosed in the figure 4 of McAllister reference and the representative display 200 on the figure 2 of the Gurbani reference, in combination, teaches the video representation as recited in the claims 6 and 17.

With all remarks discussed above, the Examiner believes that the rejection of claims 6-10 and 17-20 has been proper and permissible in the merits. Therefore, Examiner has maintains his rejection of all pending claims 6-10 and 17-20.

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Or faxed to:

**(703) 308-9051 or (703) 872-9314, (for formal communications; please mark
"EXPEDITED PROCEDURE")**

Or:

**(703) 308-9508, (for informal or draft communication, please label
"PROPOSED" or "DRAFT")**

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA. Sixth Floor (Receptionist).**

Customer Service number is (703) 306-0377

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

A handwritten signature in black ink, appearing to read 'Binh Tieu', with a long horizontal line extending to the right.

**BINH TIEU
PRIMARY EXAMINER**

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Date: December 20, 2002